

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

Final

**AIR QUALITY PERMIT
Issued under 401 KAR 52:030**

Permittee Name: Saturn Machine & Welding, Inc.
Mailing Address: P.O. Box 68 Sturgis, Kentucky 42459

Source Name: Saturn Machine & Welding, Inc.
Mailing Address: P.O. Box 68
Sturgis, Kentucky 42459

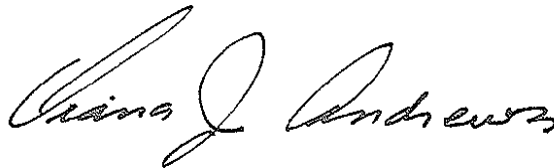
Source Location: Sturgis Air Port, Sturgis, Kentucky

Permit ID: F-07-008
Agency Interest #: 4079
Activity ID: APE20040001
Review Type: Federally-Enforceable, Conditional Major
Source ID: 21-225-00028

Regional Office: Owensboro Regional Office
3032 Alvey Park Drive W., Suite 700
Owensboro, KY 42303-7304
(270) 898-8468

County: Union

Application
Complete Date: July 27, 2004
Issuance Date: April 27, 2007
Revision Date:
Expiration Date: April 27, 2012



**John S. Lyons, Director
Division for Air Quality**

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**01 (01) Paint Shop**

Description: Fabricated equipment is prepared and spray-painted using various paints. The paint shop consists of two electrostatic spray guns, and one air atomized spray gun.
Construction commenced: 1965

APPLICABLE REGULATIONS:

401 KAR 61:020, Existing process operations applicable to each emission unit that commenced construction before July 2, 1975.

401 KAR 63:021, Existing sources emitting toxic air pollutants.

1. Operating Limitations:

None

2. Emission Limitations:

- a. Particulate emission rates shall not exceed 2.58 lbs/hr. [401KAR61:020, Sec. 3(2)(a)]

The particulate emission rate shall be calculated with the following equation:

$$P_e (\text{lbs/hour}) = (P_m \times E_f) / O_h$$

Where: P_e = Particulate emission rate in pounds per hour
 P_m = Monthly Paint Usage in tons
 E_f = Emission factor listed in KYEIS in pounds per ton
 O_h = Hours of operation per month

- b. Visible emissions shall not equal or exceed 40% opacity. [401KAR61:020, Sec. 3(1)(a)]
c. See Section D.

3. Testing Requirements:

Pursuant to Regulations, 401 KAR 61:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements

- a) To provide reasonable assurance that the visible emission limitations are being met, the permittee shall:
- i. Determine the opacity of emissions during operation from each stack or vent by Reference Method 9 annually, or more frequently if requested by the Division.
 - ii. Perform a qualitative visual observation of the opacity of emissions from each stack/vent on a weekly basis and maintain a log of the observation. The log shall note:
 - a. Whether any air emission (except for water vapor) were visible from the vent/stack, and
 - b. All emission points from which visible emissions occurred.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- iii. Determine the opacity of emissions by Reference Method 9 if visible emissions from any stack/vent are observed.
 - b) To provide reasonable assurance that the particulate matter emission limitations are being met, the permittee shall monitor the monthly amount and type of process weight purchased for each emissions unit and hours of operation. The hourly process weight shall be averaged monthly.
 - c) See Section D.
5. **Specific Recordkeeping Requirements:**
The permittee shall retain records of the following:
- a. Each Paint's monthly usage rate.
 - b. The type of paint used.
 - c. The HAP content of each type of paint used.
 - d. Records shall be maintained of the calculated total monthly and 12 month rolling total HAPs emissions from the plant.
 - e. Opacity readings which exceed the standard.
6. **Specific Reporting Requirements:**
Any exceedance of the HAPs emission limit as stated in this permit shall be reported to the Owensboro Regional Office within three days.
7. **Specific Control Equipment Operating Conditions:**
None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**02 (02) Manufacturing Shop**

This emissions “unit” is made-up of several fabrication areas.

Individual Area Descriptions**High Bay Fabrication Shop**

Welding and fabrication of coke oven equipment. The shop consists of one arc welder, seven wire feed welders, and three cutting torches.

Construction commenced: 1993

Fabrication Shop

Welding and fabrication of coke oven equipment. The shop consists of one arc welder, six wire-feed welders, four TIG welders, and six cutting torches. This emission unit is equipped with four smoke collectors that have 95% control efficiency.

Construction commenced: August, 1975

Old Shop

Steel is cut to size. Welding of steel for coke oven equipment. The shop consists of one arc welder, one wire-feed welder, one table torch, and two cutting torches.

Construction commenced: 1965

Mechanics Shop

Light assembly, parts washing, and storage area.

Construction commenced: 1965

Bay Shop

This is a maintenance area, which consists of one arc welder, two wire-feed welders, and one cutting torch.

Construction commenced: 1990

Hydraulics Room

Hydraulics assembly for coke oven equipment. The room consists of one wire-feed welder, and one parts washer.

Construction commenced 1992.

Control Equipment Description

TEPCO Smoke Eaters – Model M3000, a cabinet model HEPA filter consisting of a pleated pre-filter and a main filter of 95% efficient Short Bag, HEPA filter.

APPLICABLE REGULATIONS:

401 KAR 59:010 New process operations.

401 KAR 63:021 Existing sources emitting toxic air pollutants.

1. Operating Limitations:

None

2. Emission Limitations:

(Please note that these limits are applicable to all emission units in this point regardless of construction date per agreement with source.)

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- a. Visible emissions shall not equal or exceed 20 % opacity [401KAR59:010, Section 3(1)(a)].
- b. Particulate emissions shall not exceed 3.59 lbs/hr [401KAR59:010, Section 3(2)]. To show compliance use the equation below:

$$\text{Hourly PM emissions} = (P_n \times E_n) / Z$$

Where P_n = Each machine point usage rate in tons/month.
 E_n = PM emission factor for each emission unit from KYEIS in lbs/ton.
 N = Total number of machine points.
 Z = Hours of operation per month

- c. Manganese emissions shall not exceed 0.455 lbs/hr. (401KAR63:021) The Manganese emissions are directly proportional to the particulate emissions. If the permittee is in continuous compliance with the particulate allowable, then the permittee will be in compliance with the Manganese limit.

3. Testing Requirements:

Pursuant to Regulations 401 KAR 59:005, Section 2(2), and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements:

- a. To provide reasonable assurance that the visible emission limitations are being met, the permittee shall:
 - i. Determine the opacity of emissions during operation from each stack or vent by Reference Method 9 annually, or more frequently if requested by the Division.
 - ii. Perform a qualitative visual observation of the opacity of emissions from each stack/vent on a weekly basis and maintain a log of the observation. The log shall note:
 - a. Whether any air emission (except for water vapor) were visible from the vent/stack, and
 - b. All emission points from which visible emissions occurred.
 - iii. Determine the opacity of emissions by Reference Method 9 if visible emissions from any stack/vent are observed.
- b. To provide reasonable assurance that the particulate matter emission limitations are being met, the permittee shall monitor the monthly amount and type of process weight used by each emissions unit and hours of operation. The hourly process weight shall be averaged monthly.
- c. The permittee shall also monitor the following:
 - i. The monthly usage rate of the welding wire.
 - ii. The monthly usage rate of the welding rod.
 - iii. The monthly usage rate of the stainless welding wire.
 - iv. The monthly usage rate of the inconel welding rod.
 - v. The monthly usage rate of mineral spirits.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

d. See Section D.

5. Specific Recordkeeping Requirements:

The permittee shall retain records of the following:

- a. The monthly hours of operation.
- b. Opacity readings that exceed the standard.
- c. The monthly usage rate of the welding wire.
- d. The monthly usage rate of the welding rod.
- e. The monthly usage rate of the stainless welding wire.
- f. The monthly usage rate of the iconel welding rod.
- g. The monthly usage rate of mineral spirits.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

The smoke collectors shall be properly maintained, kept in good operating condition, and used in conjunction with the associated processes (all welding operations) in accordance with the manufacturer's specifications.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**03 (03) Sandblasting**

Description: The assembled equipment is sandblasted using Black Beauty grit prior to being painted. The usage rate of the grit is 200 lbs/hr.

Construction commenced: 1975

APPLICABLE REGULATIONS:

401 KAR 59:010, New process operations, applicable to each emission unit which commenced construction on or after July 2, 1975

1. Operating Limitations:

None

2. Emission Limitations:

a. Particulate emission rates shall not exceed 2.34 lbs/hr. [401KAR59:010, Sec. 3(2)]

The particulate emission rate shall be calculated with the following equation:

$$P_e (\text{lbs/hour}) = (G_m \times E_f) / O_h$$

Where:

P_e = Particulate emission rate in pounds per hour

G_m = Monthly Blasting Grit Usage in tons

E_f = Emission factor listed in KYEIS in pounds per ton

O_h = Hours of operation per month

b. Visible emissions shall not equal or exceed 20% opacity. [401KAR59:010, Sec. 3(1)(a)]

3. Testing Requirements:

Pursuant to Regulations 401 KAR 59:005, Section 2(2), and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.

4. Specific Monitoring Requirements

a. To provide reasonable assurance that the visible emission limitations are being met, the permittee shall

i. Determine the opacity of emissions during operation from each stack or vent by Reference Method 9 annually, or more frequently if requested by the Division.

ii. Perform a qualitative visual observation of the opacity of emissions from each stack/vent on a weekly basis and maintain a log of the observation. The log shall note:

a) Whether any air emission (except for water vapor) were visible from the vent/stack,

b) All emission points from which visible emissions occurred, and

c) Whether the visible emissions were normal for the process.

iii. Determine the opacity of emissions by Reference Method 9 if visible emissions from any stack/vent are observed.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- b. To provide reasonable assurance that the particulate matter emission limitations are being met, the permittee shall monitor the monthly amount and type of process weight purchased for each emissions unit and hours of operation. The hourly process weight shall be averaged monthly.
- c. See Section D.

5. Specific Recordkeeping Requirements:

The permittee shall retain records of the following:

- a. The amount of blasting grit used per month.
- a. Hours of operation per month.
- b. Opacity readings that exceed the standard.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

	<u>Description</u>	<u>Generally Applicable Regulation</u>
1.	Machine Shop	None
2.	Heat Treat Room	None

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 26, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. *Emissions of particulate matter and opacity as measured by methods referenced in 401KAR50:015, Section 1, shall not exceed the respective limitations specified herein.* Applicable test methods include the following:
 - a. Opacity shall be determined by Reference Method 9.
 - b. Particulate matter shall be determined by Reference Method 5 or Reference Method 17 or an acceptable alternate method.
 - c. HAPs contents of coatings shall be determined by data provided by the formulator of the coating (manufacturer's formulation data).
3. Emissions of HAPs (Xylene, Ethyl Benzene) shall not exceed 9 tons, each, and 20 tons, total, per 12 month rolling total. This is a self-imposed limitation to preclude Title V and MACT requirements.

Compliance Demonstration Method:

Calculate HAPs 12 month rolling total by using the following equations:

$$H_m = \sum_{n=1}^N (P_n \times E_n)$$

Where H_m = Monthly HAPs emissions

P_n = Each paint's usage rate

E_n = HAP content of each paint

N = Total number of paints used during the month

Twelve Month Rolling total of HAPs

$$M_{12RT} = \left\{ \sum_{m=1}^{12} H_m \right\}$$

M_{12RT} = 12 Month Rolling Total for HAPs

m = the month, i.e.

$m=1$ = current month,

$m=2$ = previous month,

$m=3$ = month before previous month, etc.

H_m = Total Haps Emitted for month m

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

4. Any exceedance of the HAPs emission limit as stated in this permit shall be reported to the Owensboro Regional Office within three days. Following an exceedance, the company shall become subject to 40 CFR PART 63, NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES, Subpart Mmmm, National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, and must comply with all requirements of this subpart.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)(1) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality[401 KAR 52:030 Section 3(1)(f)1a and Section 1a (7) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
3. In accordance with the requirements of 401 KAR 52:030 Section 3(1)f the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5 [Section 1b V(3) and (4) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
9. Pursuant to 401KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Owensboro Regional Office
3032 Alvey Park Drive W.
Suite 700
Owensboro, KY 42303-2191

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee. If a KYEIS emission survey is not mailed to the permittee, then the permittee shall comply with all other emission reporting requirements in this permit.
11. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.
12. The Cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
- a. The owner or operator shall submit to the Cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - i. The size and location of both the original and replacement units; and
 - ii. Any resulting change in emissions;
 - b. The potential to emit (PTE) of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - i. Re-install the original unit and remove or dismantle the replacement unit; or
 - ii. Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS**(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit [Section 1a (2) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a (5) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:030 Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
4. Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.
5. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a (6) and (7) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].

SECTION G - GENERAL PROVISIONS (CONTINUED)

6. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:030 Section 7(1)].
7. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a (11) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
8. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a (3) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
9. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a (12)(b) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
10. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6) [Section 1a (9) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
11. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:030 Section 11(3)].
12. This permit does not convey property rights or exclusive privileges [Section 1a (8) of the *Cabinet Provisions and Procedures for Issuing Federally-Enforceable Permits for Non-Major Sources* incorporated by reference in 401 KAR 52:030 Section 10].
13. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
15. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
17. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - a. Applicable requirements that are included and specifically identified in this permit; and
 - b. Non-applicable requirements expressly identified in this permit.
18. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:030 Section 3(1)(c)].
19. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:030 Section 8(2)].

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:030 Section 12].

(c) Permit Revisions

1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements
No construction authorized by this permit revision.

SECTION G - GENERAL PROVISIONS (CONTINUED)**(e) Acid Rain Program Requirements**

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two (2) working days of the time when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
2. Notification of the Division does not relieve the source of any other local, state or federal notification requirements.
3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:030 Section 23(3)].
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof[401 KAR 52:030 Section 23(2)].

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook, MD 20703-1515.

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)**(h) Ozone depleting substances**

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

SECTION H - ALTERNATE OPERATING SCENARIOS

None

SECTION I - COMPLIANCE SCHEDULE

None